

AN ORDINANCE

**98400**

**DECLARING THE LOCKHILL-SELMA: WEST AVENUE TO N.W. MILITARY PROJECT TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF THE FEE SIMPLE TITLE TO CERTAIN PRIVATELY OWNED REAL PROPERTY, BY NEGOTIATIONS AND/OR CONDEMNATION, IF NECESSARY, BEING ALL OR PORTIONS OF THE PROPERTIES BEING DESCRIBED AS: (1) 916 SQUARE FEET OF LAND BEING OUT OF LOT 18, BLOCK 1, NCB 11717; (2) 541 SQUARE FEET OF LAND OUT OF ARBITRARY LOT 16E BEING A 0.257 ACRE PORTION OF LOT 16, (3) 547 SQUARE FEET OF LAND OUT OF ARBITRARY LOT 16F BEING A 0.255 ACRE PORTION OF LOT 16, (4) 553 SQUARE FEET OF LAND OUT OF ARBITRARY LOT 16G BEING A 0.254 ACRE PORTION OF LOT 16, (5) 559 SQUARE FEET OF LAND OUT OF ARBITRARY LOT 16H BEING A 0.253 ACRE PORTION OF LOT 16, (6) 2,332 SQUARE FEET OF LAND OUT OF LOT 25, ALL OUT OF BLOCK 5, NCB 11721, OAKDELL LOCKHILL ESTATES SUBDIVISION; (7) 1,018 SQUARE FEET OF LAND OUT OF LOT 20, BLOCK 5, NCB 11721, (8) 13 SQUARE FEET OF LAND OUT OF LOT 3, BLOCK 9, NCB 11725 BOTH OUT OF LOCKHILL ESTATES UNIT 1; (9) 1,137 SQUARE FEET OF LAND OUT OF LOT 7, BLOCK 9, NCB 11725, OAKDELL LOCKHILL ESTATES SUBDIVISION; (10) 180 SQUARE FEET OF LAND OUT OF LOT 4, BLOCK 20, NCB 11766, WALGREEN'S-WEST AVENUE SUBDIVISION; (11) 128 SQUARE FEET OF LAND OUT OF LOT 8, NCB 11781, L-S PROPERTIES SUBDIVISION; (12) 1,043 SQUARE FEET OF LAND OUT OF LOT 15, C.H.C.B. 219, SLIMP SUBDIVISION; AND (13) 1,054 SQUARE FEET OF LAND OUT OF LOT 67, BLOCK 9, C.H.C.B. 208, CASTLE HILLS ADDITION, UNIT 2, ALL IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR A PUBLIC PURPOSE; ESTABLISHING JUST COMPENSATION FOR THE PROPERTY; APPROPRIATING FUNDS IN THE AMOUNT OF \$287,020.00 FROM 1999 G.O. STREET IMPROVEMENT BOND FUNDS FOR THE PROJECT INCLUDING MISCELLANEOUS EXPENSES SUCH AS ATTORNEY'S FEES; AUTHORIZING CITY STAFF AND/OR ITS DESIGNATED REPRESENTATIVES TO NEGOTIATE AND ACQUIRE THE PROPERTY FROM THE OWNERS ON APPROVED TERMS; AND AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY.**

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**WHEREAS**, the City of San Antonio ("City") desires to reconstruct and modify the existing two-lane street to a three-lane street (known as Lockhill-Selma) as part of the Lockhill-Selma: West Avenue to N. W. Military Metropolitan Planning Organization Project; and

**WHEREAS**, the construction of the street widening, which will include curbs, sidewalks, driveway approaches, and drainage improvements, is a necessary public project; and

**WHEREAS**, the Project is in the best interest of the health, safety and welfare of the public; and

**WHEREAS**, it is necessary to construct a portion of the Project upon properties that are privately owned; and

**WHEREAS**, it is further necessary to obtain and acquire the fee simple title and/or an easement interest in 13 parcels of land for use as part of the Project and the properties to be acquired is described as follows:

<b>Parcel No.</b>	<b>Legal</b>	<b>Block</b>	<b>NCB</b>
17441	916 square feet of land being out of Lot 18, Block 1, NCB 11717, Oakdell Lockhill Estate Subdivision, San Antonio, Bexar County, Texas according to plat thereof recorded in Volume 7300, Page 187 of the Deed and Plat Records of Bexar County, Texas and conveyed to Lockhill West Realty by Deed recorded in Volume 6656, Page 1111 of the Real Property Records of Bexar County, Texas	1	11717
17446	541 square feet of land being out of arbitrary Lot 16E as conveyed to Mary Taylor Management Trust by deed recorded in Volume 8721, Page 1367, of the Bexar County Real Property Records, arbitrary Lot 16E being 0.257 acre portion of Lot 16	5	11721
17445	547 square feet of land being out of arbitrary Lot 16F as conveyed to Mary B. Taylor by deed recorded in Volume 3841, Page 986, of the Bexar County Real Property Records, arbitrary Lot 16F being a 0.255 acre portion of Lot 16, Block 5, NCB 11721, Oakdell Lockhill Estates Subdivision according to plat thereof recorded in Volume 6200, Page 25 of the Bexar County Plat Records.	5	11721
17444	553 square feet of land being out of arbitrary Lot 16G as conveyed to Ismael C. Vargas according to deed recorded in Volume 9386, Page 1101, of the Bexar County Real Property Records, said arbitrary Lot 16G being a 0.254 acre portion of Lot 16, Block 5, NCB 11721, Oakdell Lockhill Estate Subdivision as recorded I Volume 6200, Page 25 of	5	11721

	the Bexar County Plat Records.		
17443	559 square feet of land being out of arbitrary Lot 16H as conveyed to Asvit Real Estate, Inc. by deed recorded in Volume 7614, Page 1317, Bexar County Real Property Records, said arbitrary Lot 16H being a 0.253 acre portion of Lot 16, Block 5, NCB 11721, Oakdell Lockhill Estates Subdivision as recorded in Volume 6200, Page 25, of the Bexar County Plat Records.	5	11721
17442	2,332 square feet of land being out of Lot 25, Block 5, NCB 11721, Oakdell Lockhill Estates Subdivision, San Antonio, Bexar County, Texas according to plat thereof recorded in Volume 9521, Page 101 of the Deed and Plat Records of Bexar County, Texas and conveyed to Alamo Garage Assoc., Ltd. by Deed recorded I Volume 4924, Page 1909 of the Real Property Records of Bexar County, Texas	5	11721
17447	1,018 square feet of land being out of Lot 20, Block 5, NCB 11721, Lockhill Estates Unit 1 according to plat thereof recorded in Volume 7000, Page 202 of the Deed and Plat Records of Bexar County, Texas and conveyed to Odey and Helen L. Crabtree by deed recorded in Volume 6411, Page 2065 of the Real Property Records of Bexar County, Texas	5	11721
17449	13 square feet of land being out of Lot 3, Block 9, NCB 11725, Lockhill Estates Unit 1 according to plat thereof recorded in Volume 2805, Page 106 of the Deed and Plat Records of Bexar County, Texas and conveyed to Thomas I. and Norma J. Turner by deed recorded in Volume 7746, Page 1593 of the Real Property Records of Bexar County, Texas	9	11725
17448	1,137 square feet of land being out of Lot 7, Block 9, NCB 11725 Oakdell Lockhill Estates Subdivision according to plat thereof recorded in Volume 6200, Page 25 of the Deed and Plat Records of Bexar County, Texas and conveyed to Odey and Helen L. Crabtree by deed recorded in Volume 5502, Page 1599 of the Real Property Records of Bexar County, Texas	9	11725
17450	180 square feet of land being out of Lot 4, Block 20, NCB 11766, Walgreen's-West Avenue Subdivision according to plat thereof recorded in Volume 9537, Page 103 of the Deed and Plat Records of Bexar County, Texas and conveyed to Alex H. Halff, et al by deed recorded in Volume 5561, Page 1208 of the Real Property Records of Bexar County, Texas	20	11766
17451	128 square feet of land being out of Lot 8, NCB 11781, L-S Properties Subdivision according to plat thereof recorded in Volume 5870, Page 240 of the Bexar County Plat Records and conveyed to Eddie W. and Billie Morris by deed		11781

	recorded in Volume 3901, Page 1206 of the Real Property Records of Bexar County, Texas		
17452	1,043 square feet of land being out of Lot 15, C.H.C.B. 219, Slimp Subdivision according to plat thereof recorded in Volume 9505, Page 30, of the Deed and Plat Records of Bexar County, Texas and conveyed to James F. Cotter by deed recorded in Volume 8864, Page 1885 of the Deed Records of Bexar County, Texas	15	
17453	1,054 square feet of land being out of Lot 67, Block 9, C.H.C.B. 208, Castle Hills Addition, Unit 2, according to plat thereof recorded in Volume 9200, Page 165 of the Deed and Plat Records of Bexar County, Texas and conveyed to Procermex, Inc. by deed recorded in Volume 4230, Page 888 of the Real Property Records of Bexar County, Texas	9	

**WHEREAS**, in order to proceed with the acquisition of the property, it is also deemed necessary and appropriate to establish just compensation for the Property to be acquired; and

**WHEREAS**, independent appraisals for the Property to be acquired have been completed and reviewed by the City's staff of the Real Estate Section of the Public Works Department and a fair market value determined for the Property; and

**WHEREAS**, title fees, attorney's fees, appraisal fees, right of entry fees, miscellaneous expenses to prepare each parcel for use, and lender fees will have to be paid as necessary expenses for the completion of the Project; and

**WHEREAS**, funds are available to acquire the necessary right of way and pay the necessary expenses for this project; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The Lockhill-Selma: West Avenue to N.W. Military Metropolitan Planning Organization Project is hereby declared to be a necessary public project.

**SECTION 2.** The City Council of the City of San Antonio finds a public necessity exists to acquire the fee simple title to and/or easement(s) in certain privately owned real property, by negotiation and/or condemnation, if necessary, for the location, construction, operation, reconstruction, improvement, repair and maintenance of public improvements including but not limited to street, drainage and/or utility improvements as part of the Lockhill-Selma: West Avenue to N.W. Military Metropolitan Planning Organization Project in San Antonio, Bexar County, Texas.

**SECTION 3.** A specific public necessity exists to acquire by negotiation and/or condemnation, if necessary, the properties more specifically described in Exhibit "A" attached hereto and

incorporated herein for all purposes. Collectively, the properties may be referred to as the "Property."

**SECTION 4.** The approved compensation for the Property is shown in Exhibit "B" which is attached hereto and incorporated herein for all purposes.

**SECTION 5.** The budget in fund 45-972095, 1999 Street Improvements, Sold in 2001, is revised by reducing index code 695577, entitled Unallocated Appropriations: Proceeds, by the amount of \$287,020.00.

**SECTION 6.** The amount of \$287,020.00 is appropriated in fund 45-972038, 1999 Street Improvements, Sold in 2001, in index code 932350, entitled Transfer to 45-979038. The amount of \$287,020.00 is authorized to be transferred from 45-972038 to fund 45-979038.

**SECTION 7.** The budget in Fund 45-979000, 1999 Street Improvements, shall be revised by increasing Index Code 137240, entitled Trf from 45-972038 (45-979038) Lockhill-Selma by the amount of \$287,020.00.

**SECTION 8.** The amount of \$181,720.00 is appropriated in fund 45-979038, 1999 Street Improvements, in index code 635664, entitled Land Acquisition, and is authorized to be encumbered and made payable for land acquisition in connection with the Lockhill Selma-West Avenue to NW Military project.

**SECTION 9.** The amount of \$19,500.00 is appropriated in fund 45-979038, 1999 Street Improvements, in index code 634782, entitled Miscellaneous, and is authorized to be encumbered and made payable for miscellaneous expenses in connection with the Lockhill Selma-West Avenue to NW Military project.

**SECTION 10.** The amount of \$6,500.00 is appropriated in fund 45-979038, 1999 Street Improvements, in index code 634790, entitled Title Fees, and is authorized to be encumbered and made payable for title fees in connection with the Lockhill Selma-West Avenue to NW Military project.

**SECTION 11.** The amount of \$65,000.00 is appropriated in fund 45-979038, 1999 Street Improvements, in index code 634808, entitled Legal Fees, and is authorized to be encumbered and made payable for legal fees in connection with the Lockhill Selma-West Avenue to NW Military project.

**SECTION 12.** The amount of \$13,000.00 is appropriated in fund 45-979038, 1999 Street Improvements, in index code 634832, entitled Lender Fees, and is authorized to be encumbered and made payable for lender fees in connection with the Lockhill Selma-West Avenue to NW Military project.

**SECTION 13.** The amount of \$1,300.00 is appropriated in fund 45-979038, 1999 Street Improvements, in index code 634840, entitled Right of Entry, and is authorized to be

encumbered and made payable for right of entry in connection with the Lockhill Selma-West Avenue to NW Military project.

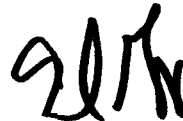
**SECTION 14.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 15.** The City staff is hereby directed to negotiate with the owner(s) of the respective parcels for the acquisition of the Property at fair market value as found in **Section 4**, above, to execute sales agreements purchasing the property from the owners as the owner's are identified by a Commitment for Issuance of Title Insurance issued by a title insurance company authorized to conduct such practice in the State of Texas and in Bexar County or by order of a Court of competent jurisdiction and to finalize such purchases on behalf of the City of San Antonio. The City Council finds that it is in the best interest to obtain the Property from whomever holds legal and equitable title as identified according to the procedure adopted through this Ordinance and the Director of Finance is directed to disburse funds in accordance herewith.


**SECTION 16.** That in the event that the City staff is unable to acquire one of more parcels of the Property by negotiation by reason of its inability to agree with the owners thereof as to the value of the parcels, or is unable to acquire the parcels for any other reason, the City Manager, through the City Attorney and/or designated special counsel under the direction of the City Attorney, are hereby authorized and directed to institute and prosecute to conclusion all necessary proceedings to condemn the property. The City Attorney is hereby authorized to retain the services of the law firm of Davidson & Troilo, P.C. and the law firm of Bracewell & Patterson, L.L.P. as special counsel as may be needed from time to time and to pay them for services rendered from the appropriations set aside herein or such other appropriations as may be made for the purpose.

**SECTION 17.** This Ordinance shall be effective on the 16<sup>th</sup> day of November, 2003.

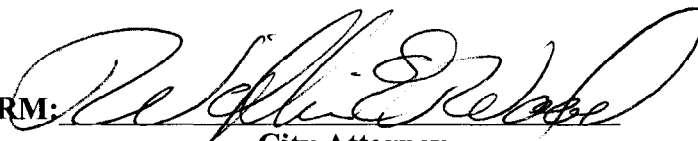
PASSED AND APPROVED this the 6<sup>th</sup> day of November, 2003.



M A Y O R  
EDWARD D. GARZA

ATTEST:   
CITY CLERK

APPROVED AS TO FORM:

  
City Attorney